

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Tony Andrew Richardson

Docket No. 5:99-CR-96-5BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tony Andrew Richardson, who, upon an earlier plea of guilty to Conspiracy to Distribute Cocaine and Cocaine Base (Crack), in violation of 21 U.S.C. §§ 846 and 841(a)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on May 17, 2000, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court.

Tony Andrew Richardson was released from custody on July 22, 2008, at which time the term of supervised release commenced.

On April 9, 2010, the defendant was arrested and charged with Driving While Impaired in Harnett County, North Carolina. The defendant admitted consuming alcohol while attending a party, and he was stopped by the highway patrol while on his way home. A breath test was administered to the defendant which confirmed a blood alcohol concentration level of 0.08. The matter is still pending in state court; however, on April 26, 2010, a Petition for Action on Supervised Release was filed, modifying the conditions of supervision to include a curfew from 8:00pm to 6:00am, or as otherwise directed by the probation officer, for a period not to exceed 30 consecutive days, with electronic monitoring. The defendant successfully satisfied this condition of supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 14, 2011, the probation officer made telephone contact with the defendant after receiving information that Mr. Richardson had been terminated from his job. During the conversation with the defendant, he admitted being terminated from his job at Interfaith Food Shuttle in December 2010, as a result of illegal drug use detected during a random drug screen by his employer. The defendant further explained that he was under a lot of stress following the birth of his son, resulting in his poor decision to use cocaine. He stated he did not know why he used cocaine, he had not done anything like that before, and he apologized for not being forthcoming with the probation officer at the time he was terminated from his employment. According to the defendant, he will be eligible for rehire in March 2011, provided he completes substance abuse treatment. The defendant submitted a random drug screen on January 18, 2011, with negative results. Based upon the defendant's admission of drug use, and in an effort to address the defendant's noncompliance and substance abuse issues, while at the same time offering him an opportunity to work towards regaining his employment, we are recommending the conditions of supervised release be modified to include substance abuse treatment, to include urinalysis testing, or other drug detection measures, and participation in the DROPS Program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Tony Andrew Richardson
Docket No. 5:99-CR-96-5BO
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: January 19, 2011

ORDER OF COURT

Considered and ordered this 22 day of January, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge